

W.P.(MD)Nos.8689 and 10118 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)Nos.8689 and 10118 of 2025

and

W.M.P(MD)Nos.6502, 6504, 7537 and 7538 of 2025

W.P(MD)No.8689 of 2025:

M.Uma

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Madurai District.
- 4.The District Educational Officer,
Usilampatti,
Madurai District.
- 5.The Administrator,
Tamil Evangelical Lutheran Church (TELC),
P.B.No.86, Tranquebar House,
Trichy - 620 001.



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6.The Correspondent/Advocate Administrator,
TELC Girls Higher Secondary School,
Usilampatti,
Madurai District - 625 532.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the fourth respondent in Na.Ka.No.6971/A1/2024 dated .02.2025 signed on 19.03.2025 and quash the same as illegal and consequentially direct the third respondent/The Chief Educational Officer and fourth Respondent/District Educational Officer herein to approve the appointment of the petitioner as B.T Assistant in Maths from the date of joining (i.e.,) 27.02.2017 in the 6th respondent TELC Girls Higher Secondary School, Usilampatti and disburse the salary and all other monetary benefits, including the arrears, within a time frame to be fixed by this Court.

For Petitioner : Mr.Niranjan S.Kumar

For R1 to R4 : Mr.T.Amjad Khan
Government Advocate

W.P(MD)No.10118 of 2025:

Thangapalam
S/o.Royappan,
The Correspondent,
TELC Girls Higher Secondary School,
Usilampatti,
Madurai District - 625 532.

... Petitioner

Vs.



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(Secondary)
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P.B.No.86, Tranquebar House,
Trichy - 620 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the fourth respondent vide proceeding reference no Na.Ka.No.6971/A1/2024 dated .02.2025 signed on 19.03.2025 and quash the same as illegal and consequentially direct the 4th respondent to approve the appoint of Mrs.Uma, as B.T.Assistant, Maths in TELC Girls Higher Secondary School, Usilampatti, Madurai District with effect from her original appoint dated 27.02.2017 and to disburse the salary and all other monetary benefits, including the arrears from the date of her appointment within a time frame to be fixed by this Court.



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For Petitioner : Mr.S.Kishore Kumar

For R1 to R4 : Mr.M.Siddharthan
Additional Government Pleader

COMMON ORDER

W.P(MD)No.8689 of 2025 filed against the order of the fourth respondent, dated 19.03.2025, wherein, the appointment of the petitioner as B.T.Assistant (Maths) in the sixth respondent School with effect from 27.02.2017 has been rejected.

2. Against the same order, W.P(MD)No.10118 of 2025 is filed by the School.

3. The facts of the cases are herein under and the parties are referred to as arrayed in W.P(MD)No.8689 of 2025:

In the sixth respondent school, one post of B.T.Assistant (Maths) fell vacant on 06.07.2013 due to the transfer of then incumbent Tmt.S.Kavitha on 05.07.2013. The school appointed the petitioner as B.T.Assistant (Maths) on 24.02.2017 and the petitioner joined her duty in the School on 27.02.2017. Thereafter, the school sent proposal to the fourth respondent on 06.06.2017 for approval of appointment of the petitioner with effect from 27.02.2017 and to



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disburse grant in aid towards her salary. Vide impugned order, the said proposal

was rejected on the ground that in the same corporate management, the surplus teachers are available and as such, the appointment of the petitioner is not possible. Aggrieved by the said order, the present writ petition is filed.

4. The learned counsel for the petitioner in both writ petitions submits that the order of rejection is illegal, arbitrary and unjust and contrary to the settled law.

5. In respect of applicability of the cut off date for appointment, it is relevant to rely on the judgment of this Court held in W.P.(MD)No.7479 of 2024 dated 17.04.2024, wherein in paragraph Nos.4, 5 & 6 it is held as follows:

"4. However, the learned counsel for the petitioner attracted the attention of this Court to the judgment passed by the Division Bench of this Court in W.A.(MD).No.2119 of 2021 dated 23.06.2023 in the case of The Commissioner of School Education, Vs Aided Muslim Committee Primary School, Rep. by its Correspondent, S.Sheik Shajakhan Sithik, wherein it is held as under:

"8. Moreover, the said G.O., was issued only on 17.09.2019, whereas the teacher was appointed well before the issuance of the said G.O., ie., 03.07.2018. Therefore, assuming if the said G.O., ultimately would be declared to be valid, that will have a prospective effect. Moreover, as on today, the said G.O., is no more available to the appellant department to say the reason that by virtue of G.O.Ms.No.165, the appointment made in



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respect of the teacher concerned at the 1st respondent school cannot be approved. 9. In that view of the matter, we have no hesitation to hold that the order impugned passed by the learned Single Judge is perfectly valid and therefore, it is to be sustained. In the result, this Writ Appeal fails, therefore, it is to be dismissed, accordingly, it is dismissed. As a sequel, there shall be a direction to the appellant Department to approve the appointment of the teacher concerned in the 1st respondent School and extend all service benefits from the date of such appointment to the teacher concerned within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.”

5. The learned counsel for the petitioner also submitted that the Government Order in G.O.Ms.No.165 dated 17.09.2019 has been kept inoperative in W.A.(MD).No.76 of 2019 batch dated 31.03.2021 in the case of The Secretary to Government Government of Tamil Nadu School Education Department, Fort St. George, Chennai – 9 vs Iruthaya Amali and the relevant portion of the order is extracted hereunder:

“95. In view of the aforesaid discussions, we are inclined to pass the following orders in this batch of cases :

....

(o) In view of the aforesaid, the G.O.Ms.No. 165, School Education [Tho.Ka.2(1)] Department, dated 17.09.2019 is hereby declared to be inoperative.”

6. The petitioner's appointment has been made prior to the order dated 31.03.2021 passed in W.A.(MD).No.76 of 2019 batch. Hence, the petitioner School can get the advantage of getting approval of the appointment of Sunitha as B.T.Assistant Tamil. Therefore, the respondents cannot decline the approval of the appointment due to the reasons of TET eligibility or the deployment of the alleged surplus.”



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6. Since the above analogy is applicable to the situation that has arisen in these case, the impugned order is liable to be set aside and the petitioner School is also entitled for the same relief.

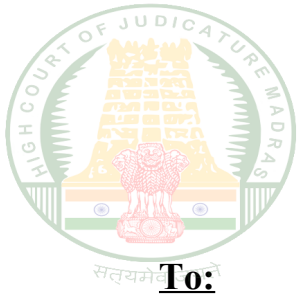
7. Accordingly, the order impugned in these writ petitions is hereby quashed and these writ petitions are allowed. The respondents 3 and 4 are directed to grant approval of appointment of Mrs.M.Uma as BT Assistant (Maths) in the sixth respondent School in W.P(MD)No.8689 of 2025 with effect from 27.02.2017 and disburse grant in aid towards the salary of the petitioner within a period of four weeks from the date of receipt of a copy of this order.

No Costs.

Consequently, connected miscellaneous petitions are closed.

24.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn



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W.P(MD)No.10118 of 2025

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BATTU DEVANAND, J.

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